

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

| | | |
|-------------------|---|---------------------------|
| MARK RUSHING, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 1:18-cv-00704-TWP-DML |
| |) | |
| ELKHART COUNTY, |) | |
| STATE OF INDIANA, |) | |
| |) | |
| Defendants. |) | |

Order Transferring Action to the Northern District of Indiana, South Bend Division

Plaintiff Mark Rushing filed a complaint alleging that Officers B. Bush and B. Fitzgerald, of the Elkhart County Sheriff's Department, improperly violated his rights by denying him access to his court cases. All parties are currently located in Elkhart, Indiana, which is in the Northern District of Indiana. 28 U.S.C. § 94.

In relation to proper venue, 28 U.S.C. § 1391(a) provides that "[a] civil action may be brought in--

- (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located;
- (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or
- (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action."

Another statute, 28 U.S.C. § 1404, provides: "For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought."

Based on the foregoing, this action is **transferred** to the United States District Court for the Northern District of Indiana, at South Bend.

Mr. Rushing's motion for leave to proceed *in forma pauperis*, dkt. [3], remains pending for disposition by the Northern District of Indiana. The clerk is **directed to terminate** the motion on this docket.

IT IS SO ORDERED.

Date: 3/9/2018



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

Distribution:

MARK RUSHING
87355
ELKHART COUNTY JAIL
26861 CR 26
Elkhart, IN 46517